HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

Single Bench : Hon'ble Shri S.R. Nayak, CJ

Writ Petition No. 406 OF 2005

Petitioners

1. B.B. Pandey, S/o Shri S.S. Pandey, aged about 42 years, Occupation - business, R/o 12/7, Priyadarshini Parisar, Supela, Bhilai, District Durg (C.G.)

2. Pushakar Gokulka, S/o Shri Motilal Gokulka, aged about 43 years, Occupation - business, R/o. In front of Bharat Mata School, Tatibandh, Raipur (C.G.)

3. Amarjeet Singh Bhamrah, S/o. Sardar Santa Singh Bhamrah, Aged about 55 years, Occupation - business, R/o Bhamrah House, 3/75, Raja Talab, Noorani Chowk, Raipur (CG)

4. Mohd. Shafiul Haq, S/o. Mohd. Fazalul Haq, Aged about 34 years, Occupation - business, Prop. Of M/s. Anupam Enterprises, R/o. 111-B, Ruabandha Sector, Bhilai, District Durg (CG)

5. Shyam Sundar Heliwal, S/o Late S.N. Heliwal, Aged about 50 years, Occupation - business, Prop. of Engineers & Builders, R/o Vivekanand Colony, Shanti Nagar, Bhilai, District Durg (CG)

6. Sunil Kumar Jadwani, S/o Shri Ganeshmal K. Jadwani, Aged about 36 years, Occupation - business, R/o Nalghar Ward, American Church, Raipur (CG)

7. Vijay Kumar Sharma, S/o Shri Mithilesh Kumar Sharma, Aged about 38 years, Occupation - business, Prop. of Bharti Construction, R/o. 342/HIG, Borsi Colony, Durg (CG)

Versus

Respondents

1. Bharat Sanchar Nigam Ltd., Civil Division, Raipur (C.G.)

2. Chief Engineer, Bharat Sanchar Nigam Ltd., Civil Chhattisgarh Zone, Raipur (CG)

3. General Manager Telecom, Bharat Sanchar Nigam Ltd., District Raipur (CG)

4. Executive Engineer (C), Bharat Sanchar Nigam Ltd., Civil Division, Sheetal Complex, G.E. Road, Telibandha, Raipur (C.G.)

5. Sub-Divl. Engineer (C), Bharat Sanchar Nigam Ltd., Civil Division, Telecom Staff Quarter Complex, Sector - 5, Bhilai, District Durg (CG)

6. Union of India, Through the Regional Provident Fund Commissioner, Sub Regional Office, Nav Bharat Press Building, Rajbandha Maidan, G.E. Road, Raipur (CG)

Present: Smt. Fouzia Mirza, learned counsel for the petitioners.
Shri R.M. Solapurkar, learned counsel for the respondents No. 1 to 5.

ORAL ORDER
(Passed on 23rd of December 2005)

Learned counsel appearing for both the sides would submit that the issue that arises for decision-making in this writ petition is squarely covered by the judgment of this Court dated 10-11-2005 passed in W.P. No. 2785 of 2005.

In view of the above joint submission made by the learned counsel for the parties, I allow this writ petition and quash Clause II of NIT making compulsory registration under the Employees Provident Funds and Miscellaneous Provisions Act, 1952 even if the contractor is not having 20 or more persons in his establishment. There shall be no order as to costs.

Sd/-
Chief Justice

Brajesh